

REMARKS

This amendment is submitted responsive to the Official Office Action mailed April 5, 2005, in which claims 1 - 13 were examined and claims 14 - 17 were withdrawn. Claims 1-13 were objected to, with suggested alterations. The suggested changes were made to the application

The Information Disclosure Statement was indicated as inadequate and the references recited in the specification have not been considered. Attached is a Disclosure Statement and separate listing of the patents.

Claims 1-6 and 8-13 were rejected as unpatentable as anticipated by House et al. (6,648,305), with individual claims referred to in the body of the rejection.

With regard to claim 1, the depression in the end of said tensioner for rotation is cited as the projection of the driving lug 58 or 60 of the cited reference, House et al.

The depression of the claim is the antithesis of the teaching of the cited prior art. The device of Applicant is useful with a ratcheting socket wrench of conventional design without the attachment of a socket thereto. The cited device would be ineffective to provide rotary motion to the tensioner as contemplated. The citing of a extending lug or tool head is not what is claimed and is not the equivalent of the claimed structure. The citation of a non existent depression in the reference used, to render the claim of Applicant unpatentable under 35 USC 102(e), is not a sustainable position for the Examiner to take in the rejection of claim 1 of the application.

The citation of the pawl having a mating surface comprised of a partial cylindrical surface does not meet the limitation of a pawl having an engaging end perpendicular to the pawl and the surface of a portion of the tensioner is not met by the pawl claimed by Applicant because the pawl end of House et al. is a pawl end that is not engaging the tensioner to prevent the tensioner from moving in the opposite direction (the unwinding or detensioning direction). The device of

House et al., in Fig. 7, comprises a wheel having depressions in the periphery thereof engaging the end of a pawl, which extends into the depression and is not capable of engaging nor disengaging with the cylinder of the device being rotated without the over tensioning the slat of fencing to provide the clearance necessary for the pawl to be withdrawn from the wheel or engaging the wheel.

Claim one of Applicants application specifies a shape and relation which allows the pawl to be engaged or disengaged without the over stressing of the slat or the rail by tightening the rail more than is absolutely necessary.

The discussion of the claim results in a clear determination that the terms of the claim are not met by the reference cited in support of a rejection under 35 USC 102(e). All the elements of Applicant's claim are not found in a single reference as is required for a rejection under 35 USC 102 to be valid.

Claim 2 - 13, being dependant upon Claim 1, suffer from the same deficiencies as Claim 1 and therefore is not anticipated by the House et al. patent.

Claims 2 - 3 were rejected under 35 USC 102(e) citing the House et al. patent cited above.

The body of the Applicant's claimed device is unitary while the body of the House et al. patent is comprised of a two piece frame comprised of two complimentary devices that mate or nest to slide together with overlapping portions which define a hole for a mounting bolt to extend therethrough in order to mount the device on a post or other rigid surface. Applicant contends that a device that is unitary is a device that is either a single unit or is a device that is fabricated in such a way as to be joined permanently into a single piece or unit. The body of the House et al. device is not unitary because it is capable of being disassembled into two pieces for the purpose of assembly. Accordingly, the device does not function as a single unit as alleged by Examiner.

Claim 4 is a claim that is dependent upon claim 1 and therefor is allowable as is claim 1.

Claim 5 was rejected on the depressions surrounding the tensioner cylinder at a spacing to accommodate the wire reinforcements within the web of the slat.

The groove 36, 38, 40 of House et al does not provide any widening of the opening 46. Rather they intersect with the channel 46 but does not widen the channel. The effect on channel 46 on the web (unnumbered) between the ridges 84, 86, 88 containing a wire or the such will of necessity bear the load exerted on the slat. It is desirable to distribute the load on the wires and the ridges as well as the webs between the ridges.

Applicants device does distribute the forces of tensioning the slat on three wires and the ridges of the slat as well as providing a loading on the web between the ridges.

The teaching of the House et al. patent is absent the teaching of a widened region in the opening as claimed.

Claim 6 was rejected under House et al. similarly in that the precise locations of the widening of the opening is defined and the claim is dependent on claims 1, 4 and 5 and is thus allowable for the reasons that claims 1, 4 and 5 are allowable.

Claim 7 does not stand rejected according to the paragraph 6 on page 4 of the Official Office Action. Therefor, it appears that claim 7 is allowed or allowable.

Claim 8 was rejected based on House et al.

Claim 8 recites an end for engaging a portion of the tensioner thus preventing rotation of the tensioner. The face of the pawl is recited in claim 8 as being perpendicular to the pawl. The House et al. patent discloses a pawl having a rounded end which engages a mating surface 50 on the ratchet wheel 48. The surface of the pawl mates with the mating surface and the face of the pawl is not perpendicular to the pawl. The face on the pawl engaging the tensioner of Applicant

is perpendicular.

The rejection of claim 8 under House et al. further states that the depression in the end of the tensioner is the forming of a tool head to rotate the tensioner. The lug found in the House et al. patent projects from the tensioner and does not teach a depression formed within the end of the tensioner.

With regard to claim 9, it is dependant upon claims 1 and 8. The arguments put forth with respect to claims 1 and 8 are apposite here and therefore incorporated by reference as relevant to claim 9.

Claims 10 and 11 have been rejected on House et al.

Claims 10 and 11 are dependent upon claims 1 and 8 and incorporate each and every element of those claims and are allowable as are the claims 1 and 8 discussed above. Further, the arguments put forward with respect to claims 4 and 5 are reincorporated here and their arguments reapplied to claims 10 and 11.

Claim 12 was rejected under House et al. The claim defines to a more precise degree the locations of the widenings of the opening, and thus is very similar to claim 6. The arguments put forth with regard to claim 6 are fully applicable for claim 12. The arguments are incorporated at this point as if repeated here and applied to claim 12.

Claim 13 was rejected under House et al. citing the tensioner spring 82 as meeting the claim.

The leaf spring cited in the rejection engages only a single one of the pawls, not both pawls as recited in claim 13. Further, a leaf spring, singular, cannot engage both pawls and provide a permanently mounted spring to engage a pair of pawls.

Further if a leaf spring was incorporated into a device such as a tensioning device, the device would be unuseable because the length of the leaf spring would be too long to provide the force required and to avoid unintentional bending or malformation which would render the leaf spring non-operative in its use to stretch fencing slats.

All amendments are made to modify the claims to include words that Examiner felt were necessary but the amendments were not made to overcome prior art.

Applicant requests a reexamination of the claim of record, claims 1-13, and a prompt Notice of Allowance. Should Examiner find some small item or items that require a telephone conference with Applicant's Attorney, Examiner is requested to contact Applicant's Attorney by telephone at the telephone number listed below.

A handwritten signature in black ink, appearing to read 'Laurence R. Letson', written over a horizontal line.

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